

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

PAMELA TOBIAS for D.T., )  
                                 ) )  
Plaintiff,                 ) )  
                              ) )  
v.                         ) )                                  No. 4:06-CV-1706 CAS  
                              ) )  
MICHAEL J. ASTRUE,       ) )  
Commissioner of Social Security, ) )  
                              ) )  
Defendant.                ) )

**ORDER**

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge David D. Noce, filed January 15, 2008. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the Court grant plaintiff's request to reverse the decision of the Commissioner and remand the case for an award of benefits under sentence four of 42 U.S.C. § 405(g). Neither party has filed an objection to the recommendation.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that the Commissioner's decision in this matter should be reversed and this case remanded for an award of benefits.

Accordingly,

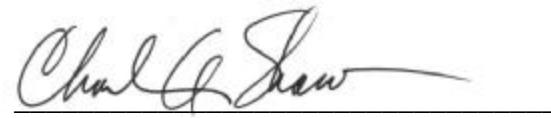
**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 17]

**IT IS FURTHER ORDERED** that the decision of the Commissioner is **REVERSED**.

**IT IS FURTHER ORDERED** that pursuant to sentence four of 42 U.S.C. § 405(g), this

case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

An appropriate judgment of remand will accompany this order.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 21st day of February, 2008.